



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,805	07/25/2003	Ronald D. Thompson	SAM 1866	1433
34356	7590	11/28/2005		
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216				
			EXAMINER HORTON, YVONNE MICHELE	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,805

Applicant(s)

THOMPSON, RONALD D.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Although the applicant indicated that a request was made to amend the specification, the request was not proper; therefore, "not shown", on page 4, needs to be deleted from the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,616,968 to GIANNUZZI in view of US Patent #5,875,606 to JENSEN and US Patent #4,298,298 to PONTONE. Regarding claims 1,4 and 7, GIANNUZZI discloses the use of an anchor bolt assembly including a masonry block (27), a bolt (10) consisting of an elongated portion having external threads (column 4, line 1) and an end portion (EP) positioned in a hollow core of a masonry block (27) and extending outwardly thereof; a toggle member (15,16) positionable along the elongate portion of the bolt (10) wherein the toggle member (15,16) has a front surface (FS) engageable with an interior (IN) of the hollow masonry core (see figure 7 and the marked attachment). GIANNUZZI discloses the basic claimed anchor bolt assembly except for the bolt having an arcuate end and except for the inclusion of a nut. JENSEN teaches that it is known in the art to provide a toggle bolt assembly (1) wherein the bolt (2) has an arcuate end portion (3) positioned perpendicularly to the wall (18,19). PONTONE

Art Unit: 3635

teaches that it is known in the art to provide an anchor bolt assembly with nuts (26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anchor bolt assembly of GIANNUZZI with an arcuate end, as taught by JENSEN, and a nut (26), as taught by PONTONE in order to provide the assembly with an ease for insertion in the opening disposed within masonry member while also rigidly retaining the bolt therein. The use of an arcuate member and nut holds the device in position relative to the masonry wall. Once inserted in to the wall, and prior to compressing the toggle bolt, the elongate member is just positioned within the hole; however, the inclusion of the arcuate portion and nut, stabilizes the bolt with regards to the masonry unit thereby preventing the elongate member from leaving the hole and thereby leading to a more accurately positioned bolt system. Regarding claims 2,5 and 7, the assembly of GIANNUZZI, as modified by JENSEN and PONTONE, includes a washer (76,84, as taught by PONTONE and a ledger (28) attachable to the masonry unit (27). Regarding claims 3,6 and 8, GIANNUZZI, as modified by JENSEN and PONTONE, teaches the use of a plurality of toggle members (15,16), wherein the toggle member (15,16) moves towards one another when moved to a compressed position, such that the toggle members (15,16) themselves move away from the modification of the arcuate end member (3) of JENSEN when the system is being compressed.

Response to Arguments

Applicant's arguments filed 8/26/05 have been fully considered but they are not persuasive. The applicant argues that the arcuate portion of GIANNUZZI et al. is

positioned on an exterior, GIANNUZZI et al. was cited only to teach the curved portion and not the positioning of the curved portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the arrangement/rearrangement of essential working part of an invention is within the general skill of a worker in the art.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, GIANNUZZI et al. is merely used to teach the arcuate end and not the ability of the arcuate end to hold the device in position.

In response to applicant's argument that the arcuate end intending to hold the device in position, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
11/21/05



Carl D. Friedman
Supervisory Patent Examiner
Group 3600